



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 11, 2021

BY ECF

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *United States v. Michael Avenatti, 19 Cr. 374 (JMF)*

Dear Judge Furman:

The Government respectfully writes in response to the Court's order directing the Government to provide the defense with a copy of its *ex parte* motion, and permitting the Government to seek the Court's leave for any redactions. The Government has provided the defense with a redacted version of its letter, along with Exhibits B and C to its letter.

The Government seeks the Court's permission to redact its letter, as well as Exhibit A in full, until the Court resolves the motion. The Government's motion seeks authorization to withhold certain medical records regarding an anticipated witness, and it attaches the specific medical records at issue as Exhibit A. Providing those records to the defense while the motion is pending would moot the motion before the Court has an opportunity to resolve it. The Government's proposed redactions to its letter—which the Government will submit to the Court by email—are narrowly tailored to capture only medical information of a third party contained in Exhibit A, and which is at issue in the motion. Cf., e.g., *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995) (“The privacy interests of innocent third parties should weigh heavily in a court’s balancing equation.” (cleaned up)).

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In the event that the Court grants the Government's alternative relief and authorizes the Government to disclose the medical records, the Government proposes to provide the defense with an unredacted copy of the motion at that time.

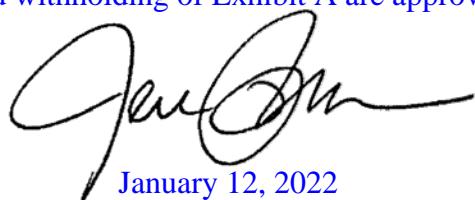
Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By: /s/
Matthew D. Podolsky
Andrew A. Rohrbach
Robert B. Sobelman
Assistant United States Attorneys
(212) 637-1947/2345/2616

cc: Defense counsel (by ECF)
Thomas Ambrosio, Esq. (by email) (counsel for Judy Regnier)

The Court finds that there is no valid reason for the proposed redaction on page 3 of the Government's January 10, 2022 letter motion, as the text refers only generally to the contents of the medical records and does not reveal anything beyond what the defense already knows. The Government shall promptly provide a newly redacted letter to the defense in accord with the foregoing. Otherwise, the Government's proposed redactions and withholding of Exhibit A are approved. SO ORDERED.



January 12, 2022